THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8844 of 2007

Date: 26.04.2007

Between:

Sanapala Swamy Babu and others.

....Petitioners

And

The Sub-Registrar.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8844 of 2007

O R D E R:

Petitioners state that they executed a gift deed in favour of one Sanapala Sridharudu, in respect of land, admeasuring Ac.0.27 cents, out of Ac.76.20 cents in Survey Nos.314, 315 and 318 of Adivivaram Village, Visakhapatnam (Rural) Mandal, Visakhapatnam District. According to them, the said gift deed was presented to the respondent for registration. The grievance of the petitioner is that the respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Numbers. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the

provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the respondent to receive and process the document presented by the petitioners and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Date: 26.04.2007
Note: Issue C.C. in one week.
(B/o)
JSU

---

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77